IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 17567 of 2007(N)

PETITIONER:

V.V.ISHA,
VELIKAKATH (H), VARANAM P.O.,
DIRECTOR, KANNANKARA SERVICE CO-OP.BANK LTD.
NO.1806, KANNANKARA P.O., THANNEERMUKKOM,
CHERTHALA, ALAPPUZHA- 688 527.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

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1. JOINT REGISTRAR OF CO-OP.SOCIETIES
(GENERAL), ALAPPUZHA.

2. KANNANKARA SERVICE CO-OP.BANK LTD.
NO.1806, KANNANKARA P.O., THANNEERMUKKOM,
CHERTHALA, ALAPPUZHA - 688 527,
REP.BY ITS PRESIDENT.

3. VARANAM SERVICE CO-OP. BANK LTD.
NO.1317, VARNAM PO, CHERTHALA REP.BY ITS
SECRETARY.

BY GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17567 of 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT-P1: TRUE COPY OF THE LETTER OF THE PETITIONER DATED 8.3.2001

EXT-P2: TRUE COPY OF THE ORDER DATED 9.4.07 OF THE JOINT REGISTER

EXT-P3: TRUE COPY OF THE LETTER DATED 16.5.2007 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

EXT-P4: TRUE COPY OF THE REPLY FILED BY THE PETITIONER DATED 30.5.2007

/TRUE COPY/

K.M. JOSEPH,J.

W.P (C) No.17567 of 2007

Dated this the 19th day of July, 2007

J U D G M E N T

The petitioner challenges Exhibit-P2 and seeks the following reliefs:

> " Issue a writ of mandamus or other appropriate writ, order or direction, directing the 3rd respondent to remove the petitioner from the membership considering Ext.P1 request.
>
> Call for the records leading to issue Ext.P2 and quash the same by issuing a writ of certiorari or any other appropriate writ order or direction."

In 1983, the petitioner became a member of the 3rd respondent Society for availing a housing loan. The 3rd respondent failed to grant housing loan. The petitioner put a request as Exhibit-P1 dated 8.3.2001 to cancel the membership and availed another membership from the 2nd respondent society on 22.8.2001. It was invoking Rule 27 of the Kerala Co-operative Societies Rules that Exhibit-P2 was passed with direction to the Society to take action under Rule 16(3) of the Kerala Co-operative Societies Rules. The petitioner has been served with Exhibit-P3 show cause notice consequently by the 2nd respondent Society. The petitioner has given Exhibit-P4 reply under Rule 16 (3).

2. According to the petitioner, the decision in **Natarajan v. Returning Officer** (1997 (2) KLT 253) will not apply, as the petitioner has filed an application for removal from the membership of the 3rd respondent. Learned Government Pleader points out that this is a case where there is contravention of Rule 27 of the Kerala Co-operative Societies Rules, as he became a member of the 2nd respondent while he was a member of the 3rd respondent. The petitioner has preferred Ext.P4 reply.

The writ petition is disposed of directing the 2nd respondent to take a decision on Exhibit-P4 reply, in accordance with law.

(K.M. JOSEPH,JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007